

the customer from measuring containers of one gallon or less capacity kept in a rack or tray, then the sign or label referred to shall be affixed to the said rack or tray.

1929, ch. 350, sec. 237C.

**237C.** Any person, co-partnership or corporation, or any member, officer, agent or employee of any co-partnership or corporation, who shall violate any provision of this sub-title, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than two hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

### Gaming.

#### 244.

A vending machine discharging a cylinder of mint wafers on deposit of nickel and also frequently but not invariably metal discs the size of a nickel, varying in number from 2 to 20, held to be gambling device. *Gaither v. Cate*, 156 Md. 255.

#### 247.

The provisions prohibiting book-making and pool-selling not repealed by art. 78B creating Racing Commission. *Nolan v. State*, 157 Md. 332.

This section does not apply to Washington County, as the exemption in sec. 251 applies to secs. 247-251 (decided prior to act of 1935, ch. 390). *O'Connell v. State*, 159 Md. 376.

Appeal from conviction for violation of this section on ground that evidence had been secured contrary to art. 35, sec. 4a. See notes thereto. *Baum v. State*, 163 Md. 154.

An. Code, 1924, sec. 221. 1904, sec. 206. 1898, ch. 285, sec. 124E. 1902, ch. 572. 1904, ch. 585. 1906, ch. 127. 1935, ch. 390.

**251.** In such license shall be stated the name of the grounds, enclosure or park, and the number of days and the month within which said license shall be operative, and the said court shall not grant in the aggregate license for more than thirty days in any year, nor more than fifteen days in any one month in any county in this State, nor for any days whatever during the months of December, January, February and March; provided, that the Circuit Court for Baltimore County may grant such license for not more than seventy-five days between the first day of April and the first day of December in every year. For every licence so granted there shall be paid by the applicant, before the issuance thereof, to the clerk of the court granting the same, the sum of five dollars for each and every day for which such licence shall have been granted to said applicant; the said sum to go to the Board of County School Commissioners of the county in which such court may be located, for the use of the public schools thereof; provided, however, that the provisions of this section shall not apply to Cecil or Anne Arundel Counties.

Although this section is invalid in so far as it imposed non-judicial duties on the courts, the provision exempting certain counties is valid and stands as if it were all that was ever in the section. *O'Connell v. State*, 159 Md. 376.

See notes to sec. 247.